

Introduced by Senator Hancock

February 25, 2009

An act to add Chapter 9.10 (commencing with Section 6280) to Title 7 of Part 3 of the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 292, as introduced, Hancock. Prisoners: alternative incarceration.

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to enter into contracts with various entities for the housing and other care of inmates who are subject to the department's jurisdiction, but not incarcerated in a state prison. Existing law authorizes the department to construct, establish, and operate reentry program facilities with programs to assist inmates and parole violators to reintegrate into society.

This bill would state findings and declarations of the Legislature relative to alternative incarceration for nonviolent inmates. The bill would authorize the Secretary of the Department of Corrections and Rehabilitation to enter into contracts with Alternative Incarceration Facilities, as defined, for housing certain nonviolent inmates who meet certain criteria. The bill would authorize the secretary to adopt regulations to implement those purposes, set forth criteria for inmates to meet in order to be transferred to an Alternative Incarceration Facility, and establish a compensation scheme for owners of those facilities. The bill would require a retired, correctional officer with certain experience to always be present at each facility.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Responsible Alternative Incarceration Facility Act.

3 SEC. 2. The Legislature finds and declares all of the following:

4 (a) The cost of incarcerating nonviolent prisoners who are
5 serving time in a state prison is higher than would be attainable
6 through alternative means.

7 (b) Public safety is the primary purpose of incarceration and
8 public safety goals may continue to be achieved through less costly
9 alternatives for certain inmates convicted of nonviolent crimes.

10 (c) It is the intent of the Legislature by enacting this measure
11 to create a program that encourages experienced correctional
12 personnel to organize and staff small, secured, managed residential
13 facilities to house nonviolent inmates meeting other appropriate
14 criteria, and that these facilities form a bridge between prison and
15 society that will enable inmates to become productive members
16 of society on a more expeditious and less costly basis.

17 SEC. 3. Chapter 9.9 (commencing with Section 6280) is added
18 to Title 7 of Part 3 of the Penal Code, to read:

19
20 CHAPTER 9.9. ALTERNATIVE INCARCERATION FACILITIES

21
22 6280. (a) The Department of Corrections and Rehabilitation
23 is authorized to contract with an Alternative Incarceration Facility
24 for placement of inmates who meet the criteria set forth in Section
25 6281.

26 (b) The department shall adopt regulations to implement this
27 chapter. The regulations shall include, but not be limited to, the
28 following criteria for certifying a facility as an Alternative
29 Incarceration Facility:

30 (1) No more than 25 residents may be housed at the facility.

31 (2) The facility is owned and operated by a natural person and
32 the owner and operator do not own or operate more than two
33 Alternative Incarceration Facilities.

34 (3) The facility shall not be located within 1,000 feet of any
35 hospital, school, preschool, prison, jail, or other Alternative
36 Incarceration Facility.

37 6281. (a) Inmates eligible for transfer to an Alternative
38 Incarceration Facility shall meet the following criteria:

- 1 (1) Be an inmate in a state prison.
- 2 (2) Have at least six months incarceration left to serve.
- 3 (3) Have served at least six months incarceration in a state
- 4 prison.

- 5 (4) Be incarcerated for a nonviolent offense.

- 6 (5) Have requested to be transferred to an Alternative
- 7 Incarceration Facility.

- 8 (b) The Secretary of the Department of Corrections and
- 9 Rehabilitation may establish additional standards for eligibility
- 10 for inmates to transfer to an Alternative Incarceration Facility.
- 11 Those standards shall include criteria for individual inmate
- 12 evaluation and designation to an Alternate Incarceration Facility
- 13 specifically suitable for that inmate.

- 14 (c) The facility must agree to accept the inmate prior to transfer
- 15 of the inmate to the facility.

- 16 (d) The operator of the facility may return an inmate to prison
- 17 at any time.

- 18 (e) An inmate may return to prison or transfer to another
- 19 Alternative Incarceration Facility if that facility agrees to accept
- 20 that inmate.

21 6282. Each Alternative Incarceration Facility shall have present,

22 at all times, a retired, qualified correctional peace officer with at

23 least five years of experience as a correctional peace officer and

24 at least two years management experience as a parole officer.

25 6283. (a) The owner of an Alternative Incarceration Facility

26 shall be compensated by the Department of Corrections and

27 Rehabilitation as follows:

- 28 (1) Monthly payments as follows:

- 29 (A) Monthly payment per resident of an amount equal to
- 30 one-third of the sum determined by dividing the previous fiscal
- 31 year's budget for the department by the highest number of inmates
- 32 incarcerated by the department during that year.

- 33 (B) If the facility has been certified by the University of
- 34 California as providing evidence-based programs for drug treatment
- 35 or mental health counseling, monthly payment per resident of an
- 36 amount equal to one-half the sum determined by dividing the
- 37 previous fiscal year's budget for the department by the highest
- 38 number of inmates incarcerated by the department during that year.

1 (2) Payment of five hundred dollars (\$500) for each resident
2 who attains his or her General Education Diploma while residing
3 at the facility.

4 (3) Payment of one thousand dollars (\$1,000) for each resident
5 who attains his or her Associate of Arts degree while residing at
6 the facility.

7 (4) Payment of one thousand dollars (\$1,000) for each resident
8 who completes a vocational education program approved by a
9 local school district and is accepted into a local union while
10 residing at the facility.

11 (b) Each resident who is employed shall pay two-thirds of his
12 or her take-home pay monthly to the operator of the facility.

13 6284. For purposes of this chapter, the following definitions
14 apply:

15 (a) A “natural person” means a human being, not a corporation,
16 partnership, limited liability company, corporative business, trust,
17 or similar entity.

18 (b) “Alternative Incarceration Facility” means a secure
19 residential facility certified by the Department of Corrections and
20 Rehabilitation to be used for the purpose of housing nonviolent
21 inmates who meet the criteria set forth in Section 6281.